

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LAWRENCE ROMANECK,

Plaintiff,

V.

DEUTSCHE ASSET MANAGEMENT,
et al.,

Defendants.

NO. C05-2473 TEH

**ORDER RE: DEFENDANTS'
MOTION TO FILE
DOCUMENTS UNDER SEAL**

DEUTSCHE ASSET MANAGEMENT,
et al.,

Defendants.

The Court is in receipt of Defendants' motion for summary judgment, papers in
part thereof, and Defendants' separate motion to file most of their summary judgment
under seal. Although there appears to be good cause to file portions of the submitted
documents under seal, Defendants have failed to comply with the requirement that a request to
seal documents "must be narrowly tailored to seek sealing only of sealable material." Civ.
R. 79-5(a). A request to seal documents or portions thereof must establish "that the
information, or portions thereof, is privileged or protectable as a trade secret or otherwise
entitled to protection under the law, [hereinafter referred to as 'sealable.']."*Id.* (emphasis
added). As the commentary to the local rule governing filing under seal explains, a public
listing of all documents filed under seal should be "filed and available for public review that
includes the minimum redactions necessary to protect sealable information." Commentary to
C.R. 79-5(a) (emphasis added). Similarly, the parties' stipulated protective order in this
case states that "[c]onfidential information shall be placed under seal in submissions to the
Court only where redacting, coding identities, summarizing or other objective treatment
cannot be made." Protective Order ¶ 8 (Ex. A to Johnsrud Decl.).

Because Defendants have not complied with the requirements of Civil Local Rule 79-5(a) or with the protective order in this case, the Court DENIES, without prejudice,

1 Defendants' motion to file documents under seal. Defendants shall meet and confer with
2 Plaintiff and re-file their motion, with the narrowly tailored requests contemplated by the
3 Local Rules and the parties' stipulated protective order, on or before **Wednesday, June 28,**
4 **2006.** Defendants shall also comply with Civil Local Rule 79-5(c), which governs requests
5 to file portions of a document under seal. This process shall not delay the hearing or briefing
6 schedule on Defendants' motion because Plaintiff and the Court have already received copies
7 of the unredacted documents.

8 IT IS FURTHER ORDERED that all future requests to file documents under seal by
9 any party shall comply with both the parties' stipulated protective order and Civil Local Rule
10 79-5(a)'s requirement that requests to file documents or portions thereof under seal must be
11 "narrowly tailored."

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13 **IT IS SO ORDERED.**

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15 Dated: 06/21/06



16 THELTON E. HENDERSON, JUDGE
17 UNITED STATES DISTRICT COURT
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